



Sen. John J. Cullerton

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LRB095 20021 RLC 49415 a

1 AMENDMENT TO SENATE BILL 2865

2 AMENDMENT NO. _____. Amend Senate Bill 2865, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Compassionate Use of Medical Marijuana Pilot Program Act.

7 Section 5. Findings.

8 (a) Modern medical research has discovered beneficial uses
9 for marijuana in treating or alleviating the pain, nausea, and
10 other symptoms associated with a variety of debilitating
11 medical conditions, as found by the National Academy of
12 Sciences' Institute of Medicine in March 1999.

13 (b) Subsequent studies since the 1999 National Academy of
14 Sciences' Institute of Medicine report continue to show the
15 therapeutic value of marijuana in treating a wide array of
16 debilitating medical conditions, including increasing the

1 chances of patients finishing their treatments for HIV/AIDS and
2 hepatitis C.

3 (c) Data from the Federal Bureau of Investigation's Uniform
4 Crime Reports and the Compendium of Federal Justice Statistics
5 show that approximately 99 out of every 100 marijuana arrests
6 in the U.S. are made under state law, rather than under federal
7 law. Consequently, changing state law will have the practical
8 effect of protecting from arrest the vast majority of seriously
9 ill people who have a medical need to use marijuana.

10 (d) Although federal law currently prohibits any use of
11 marijuana except under very limited circumstances, Alaska,
12 California, Colorado, Hawaii, Maine, Montana, Nevada, New
13 Mexico, Oregon, Vermont, Rhode Island, and Washington have
14 removed state-level criminal penalties from the medical use and
15 cultivation of marijuana. Illinois joins in this effort for the
16 health and welfare of its citizens.

17 (e) States are not required to enforce federal law or
18 prosecute people for engaging in activities prohibited by
19 federal law. Therefore, compliance with this Act does not put
20 the State of Illinois in violation of federal law.

21 (f) State law should make a distinction between the medical
22 and non-medical uses of marijuana. Hence, the purpose of this
23 Act is to protect patients with debilitating medical
24 conditions, as well as their practitioners and primary
25 caregivers, from arrest and prosecution, criminal and other
26 penalties, and property forfeiture if such patients engage in

1 the medical use of marijuana.

2 (g) The people of the State of Illinois declare that they
3 enact this Act pursuant to the police power to protect the
4 health of its citizens that is reserved to the State of
5 Illinois and its people under the 10th Amendment to the United
6 States Constitution.

7 Section 10. Definitions. The following terms, as used in
8 this Act, shall have the meanings set forth in this Section:

9 (a) "Adequate supply" means an amount of marijuana
10 possessed by a qualified patient or collectively possessed by a
11 qualified patient and the qualified patient's primary
12 caregiver that is determined by rule of the Department to be no
13 more than reasonably necessary to ensure the uninterrupted
14 availability of marijuana for a period of 60 days and that is
15 derived solely from an intrastate source. Until the Department
16 determines what constitutes a 60-day supply of medicine,
17 patients shall be presumed to be in compliance with this Act if
18 they possess no more than 7 plants and two ounces of dried
19 usable marijuana.

20 (a-1) "Cardholder" means a qualifying patient or a primary
21 caregiver who has been issued and possesses a valid registry
22 identification card.

23 (b) "Debilitating medical condition" means one or more of
24 the following:

25 (1) cancer, glaucoma, positive status for human

1 immunodeficiency virus, acquired immune deficiency
2 syndrome, hepatitis C, amyotrophic lateral sclerosis,
3 Crohn's disease, agitation of Alzheimer's disease, nail
4 patella, or the treatment of these conditions;

5 (2) a chronic or debilitating disease or medical
6 condition or its treatment that produces one or more of the
7 following: cachexia or wasting syndrome; severe pain;
8 severe nausea; seizures, including but not limited to those
9 characteristic of epilepsy; or severe and persistent
10 muscle spasms, including but not limited to those
11 characteristic of multiple sclerosis; or

12 (3) any other medical condition or its treatment
13 approved by the Department, as provided for in subsection
14 (a) of Section 20.

15 (c) "Department" means the Department of Public Health, or
16 its successor agency.

17 (d) "Enclosed, locked facility" means a closet, room,
18 greenhouse, or other enclosed area equipped with locks or other
19 security devices that permit access only by a registered
20 primary caregiver or registered qualifying patient.

21 (e) "Felony drug offense" means a violation of a state or
22 federal controlled substance law that was classified as a
23 felony in the jurisdiction where the person was convicted. It
24 does not include: (1) an offense for which the sentence,
25 including any term of probation, incarceration, or supervised
26 release, was completed 10 or more years earlier; or (2) an

1 offense that involved conduct that would have been permitted
2 under this Act.

3 (f) "Marijuana" has the meaning given to the term cannabis
4 in Section 3 of the Cannabis Control Act.

5 (g) "Medical use" means the acquisition, possession,
6 cultivation, manufacture, use, delivery, transfer, or
7 transportation of marijuana or paraphernalia relating to the
8 administration of marijuana to treat or alleviate a registered
9 qualifying patient's debilitating medical condition or
10 symptoms associated with the patient's debilitating medical
11 condition.

12 (h) "Practitioner" means a person who is licensed with
13 authority to prescribe drugs under Article III of the Illinois
14 Controlled Substance Act.

15 (i) "Primary caregiver" means a person who is at least 21
16 years old, who has agreed to assist with a patient's medical
17 use of marijuana, and who has never been convicted of a felony
18 drug offense. A primary caregiver, other than a medical
19 marijuana organization as defined in this Act may assist no
20 more than one qualifying patient with their medical use of
21 marijuana. A patient may designate only one primary caregiver,
22 except that a patient may designate a medical marijuana
23 organization and one individual primary caregiver.

24 (j) "Qualifying patient" means a person who has been
25 diagnosed by a practitioner as having a debilitating medical
26 condition.

1 (k) "Registry identification card" means a document issued
2 by the Department that identifies a person as a registered
3 qualifying patient or registered primary caregiver.

4 (l) "Usable marijuana" means the dried leaves and flowers
5 of the marijuana plant, and any mixture or preparation thereof,
6 but does not include the seeds, stalks, and roots of the plant
7 and does not include the weight of other ingredients in
8 marijuana prepared for consumption as food.

9 (m) "Visiting qualifying patient" means a patient who is
10 not a resident of Illinois or who has been a resident of
11 Illinois less than 30 days.

12 (n) "Written certification" means a document signed by a
13 practitioner, stating that in the practitioner's professional
14 opinion the patient is likely to receive therapeutic or
15 palliative benefit from the medical use of marijuana to treat
16 or alleviate the patient's debilitating medical condition or
17 symptoms associated with the debilitating medical condition. A
18 written certification shall be made only in the course of a
19 bona fide practitioner-patient relationship after the
20 practitioner has completed a full assessment of the qualifying
21 patient's medical history. The written certification shall
22 specify the qualifying patient's debilitating medical
23 condition.

24 Section 15. Protections for the medical use of marijuana.

25 (a) A qualifying patient who has been issued and possesses

1 a registry identification card shall not be subject to arrest,
2 prosecution, or penalty in any manner, or denied any right or
3 privilege, including but not limited to civil penalty or
4 disciplinary action by a business or occupational or
5 professional licensing board or bureau, for the medical use of
6 marijuana in accordance with this Act, provided that the
7 qualifying patient possesses an amount of marijuana that does
8 not exceed an "adequate supply" as defined in Section 10(a) of
9 this Act of usable marijuana. Such plants shall be kept in an
10 enclosed, locked facility, unless they are being transported
11 because the qualifying patient is moving or if they are being
12 transported to the qualifying patient's property. Any
13 incidental amount of seeds, stalks, and unusable roots shall
14 also be allowed under state law and shall not be included in
15 this amount.

16 (b) A primary caregiver who has been issued and possesses a
17 registry identification card shall not be subject to arrest,
18 prosecution, or penalty in any manner, or denied any right or
19 privilege, including but not limited to civil penalty or
20 disciplinary action by a business or occupational or
21 professional licensing board or bureau, solely for assisting a
22 qualifying patient to whom he or she is connected through the
23 Department's registration process with the medical use of
24 marijuana in accordance with this Act, provided that the
25 primary caregiver possesses an amount of marijuana that does
26 not exceed an "adequate supply" as defined in Section 10(a) of

1 this Act for the qualifying patient to whom he or she is
2 connected through the Department's registration process. It is
3 the intent of this provision that the total amount possessed
4 between the qualifying patient and caregiver shall not exceed
5 the patient's "adequate supply" as defined in Section 10(a) of
6 this Act. Such plants shall be kept in an enclosed, locked
7 facility, unless they are being transported because the primary
8 caregiver is moving or if they are being transported to a
9 primary caregiver's or a qualifying patient's property. Any
10 incidental amount of seeds, stalks, and unusable roots shall
11 also be allowed under state law and shall not be included in
12 this amount.

13 (c) (1) There shall be a presumption that a qualifying
14 patient or primary caregiver is engaged in the medical use of
15 marijuana in accordance with this Act if the qualifying patient
16 or primary caregiver:

17 (A) is in possession of a registry identification
18 card; and

19 (B) is in possession of an amount of marijuana that
20 does not exceed the amount allowed under this Act.

21 (2) The presumption may be rebutted by evidence that
22 conduct related to marijuana was not for the purpose of
23 treating or alleviating the qualifying patient's
24 debilitating medical condition or symptoms associated with
25 the debilitating medical condition, in accordance with
26 this Act.

1 (d) A cardholder shall not be subject to arrest,
2 prosecution, or penalty in any manner, or denied any right or
3 privilege, including but not limited to civil penalty or
4 disciplinary action by a business or occupational or
5 professional licensing board or bureau, solely for giving
6 marijuana to a registered qualifying patient or a registered
7 primary caregiver for the registered qualifying patient's
8 medical use where nothing of value is transferred in return, or
9 to offer to do the same.

10 (e) No school, employer, or landlord may refuse to enroll
11 or employ or lease to, or otherwise penalize a person solely
12 for his or her status as a registered qualifying patient or a
13 registered primary caregiver, unless failing to do so would put
14 the school, employer, or landlord in violation of federal law
15 or cause it to lose a federal contract or funding.

16 (f) A person shall not be denied custody or visitation of a
17 minor for acting in accordance with this Act, unless the
18 person's behavior is such that it creates an unreasonable
19 danger to the minor that can be clearly articulated and
20 substantiated.

21 (g) A registered primary caregiver may receive
22 compensation for costs associated with assisting a registered
23 qualifying patient's medical use of marijuana, provided that
24 registered primary caregiver is connected to the registered
25 qualifying patient through the Department's registration
26 process. Any such compensation shall not constitute the sale of

1 controlled substances.

2 (h) A practitioner shall not be subject to arrest,
3 prosecution, or penalty in any manner, or denied any right or
4 privilege, including but not limited to civil penalty or
5 disciplinary action by the Medical Disciplinary Board or by any
6 other business or occupational or professional licensing board
7 or bureau, solely for providing written certifications or for
8 otherwise stating that, in the practitioner's professional
9 opinion, a patient is likely to receive therapeutic benefit
10 from the medical use of marijuana to treat or alleviate the
11 patient's serious or debilitating medical condition or
12 symptoms associated with the serious or debilitating medical
13 condition, provided that nothing shall prevent a professional
14 licensing board from sanctioning a practitioner for failing to
15 properly evaluate a patient's medical condition or otherwise
16 violating the standard of care for evaluating medical
17 conditions.

18 (i) A person shall not be subject to arrest, prosecution,
19 or penalty in any manner, or denied any right or privilege,
20 including but not limited to civil penalty or disciplinary
21 action by a business or occupational or professional licensing
22 board or bureau, solely for providing a registered qualifying
23 patient or a registered primary caregiver with marijuana
24 paraphernalia for purposes of a qualifying patient's medical
25 use of marijuana.

26 (j) Any marijuana, marijuana paraphernalia, licit

1 property, or interest in licit property that is possessed,
2 owned, or used in connection with the medical use of marijuana,
3 as allowed under this Act, or acts incidental to such use,
4 shall not be seized or forfeited.

5 (k) A person shall not be subject to arrest, prosecution,
6 or penalty in any manner, or denied any right or privilege,
7 including but not limited to civil penalty or disciplinary
8 action by a business or occupational or professional licensing
9 board or bureau, simply for being in the presence or vicinity
10 of the medical use of marijuana as allowed under this Act, or
11 for assisting a registered qualifying patient with using or
12 administering marijuana. This provision, however, shall not be
13 construed to allow the consumption of marijuana by persons
14 other than qualifying patients.

15 (l) A registry identification card, or its equivalent, that
16 is issued under the laws of another state, district, territory,
17 commonwealth, or insular possession of the United States that
18 allows the medical use of marijuana by a visiting qualifying
19 patient, shall have the same force and effect as a registry
20 identification card issued by the Department.

21 (m) Any cardholder who sells marijuana to a person who is
22 not allowed to use marijuana for medical purposes under this
23 Act shall have his or her registry identification card revoked,
24 and is liable for any other penalties for the sale of
25 marijuana. The Department may revoke the registry
26 identification card of any cardholder who violates this Act,

1 and the cardholder shall be liable for any other penalties for
2 the violation.

3 Section 20. Department to issue rules.

4 (a) Not later than 120 days after the effective date of
5 this Act, the Department shall promulgate rules governing the
6 manner in which it shall consider petitions from the public to
7 add debilitating medical conditions to the list of debilitating
8 medical conditions set forth in subsection (b) of Section 10 of
9 this Act. In considering such petitions, the Department shall
10 include public notice of, and an opportunity to comment in a
11 public hearing upon, such petitions. The Department shall,
12 after hearing, approve or deny such petitions within 180 days
13 of submission of the petition. The approval or denial of such a
14 petition shall be considered a final Department action, subject
15 to judicial review. Jurisdiction and venue for judicial review
16 are vested in the Circuit Court.

17 (b) Not later than 120 days after the effective date of
18 this Act, the Department shall promulgate rules governing the
19 manner in which it shall consider applications for and renewals
20 of registry identification cards for qualifying patients and
21 primary caregivers. The Department's rules shall establish
22 application and renewal fees that generate revenues sufficient
23 to offset all expenses of implementing and administering this
24 Act. The fee shall include an additional \$2 per registry
25 identification card which shall be allocated to drug treatment

1 and prevention. The Department may establish a sliding scale of
2 application and renewal fees based upon a qualifying patient's
3 family income. The Department may accept donations from private
4 sources in order to reduce the application and renewal fees.

5 Section 25. Administering the Department's rules.

6 (a) The Department shall issue registry identification
7 cards to up to 1,2000 qualifying patients who submit the
8 following, in accordance with the Department's rules:

9 (1) written certification;

10 (2) application or renewal fee;

11 (3) name, address, and date of birth of the qualifying
12 patient, except that if the applicant is homeless, no
13 address is required;

14 (4) name, address, and telephone number of the
15 qualifying patient's practitioner; and

16 (5) name, address, and date of birth of each primary
17 caregiver, if any, of the qualifying patient.

18 (a)(1) The Department shall not issue more than 1,200
19 active patient identification cards at any given time. If this
20 limitation is reached the Department shall notify persons
21 making application that his or her application will be
22 processed as cards expire or are revoked or as cards become
23 inactive do to the death of patients. Pending applications
24 shall be processed in the order received. This limitation does
25 not include cards issued to primary caregivers and medical

1 marijuana organizations.

2 (b) The Department shall not issue a registry
3 identification card to a qualifying patient who is under the
4 age of 18 unless:

5 (1) The qualifying patient's practitioner has
6 explained the potential risks and benefits of the medical
7 use of marijuana to the qualifying patient and to a parent,
8 guardian, or person having legal custody of the qualifying
9 patient; and

10 (2) The parent, guardian, or person having legal
11 custody consents in writing to:

12 (A) allow the qualifying patient's medical use of
13 marijuana;

14 (B) serve as one of the qualifying patient's
15 primary caregivers; and

16 (C) control the acquisition of the marijuana, the
17 dosage, and the frequency of the medical use of
18 marijuana by the qualifying patient.

19 (c) The Department shall verify the information contained
20 in an application or renewal submitted pursuant to this
21 Section, and shall approve or deny an application or renewal
22 within 15 days of receiving it. The Department may deny an
23 application or renewal only if the applicant did not provide
24 the information required pursuant to this Section, or if the
25 Department determines that the information provided was
26 falsified. Rejection of an application or renewal is considered

1 a final Department action, subject to judicial review.
2 Jurisdiction and venue for judicial review are vested in the
3 Illinois Circuit Court.

4 (d) The Department shall issue a registry identification
5 card to each primary caregiver, if any, who is named in a
6 qualifying patient's approved application, up to a maximum of 2
7 primary caregivers per qualifying patient.

8 (e) The Department shall issue registry identification
9 cards within 5 days of approving an application or renewal,
10 which shall expire one year after the date of issuance.
11 Registry identification cards shall contain all of the
12 following:

13 (1) Name, address, and date of birth of the qualifying
14 patient;

15 (2) Name, address, and date of birth of each primary
16 caregiver, if any, of the qualifying patient;

17 (3) The date of issuance and expiration date of the
18 registry identification card;

19 (4) A random identification number that is unique to
20 the cardholder; and

21 (5) A photograph, if the Department decides to require
22 one.

23 (f) (1) A registered qualifying patient shall notify the
24 Department of any change in the registered qualifying patient's
25 name, address, or primary caregiver, or if the registered
26 qualifying patient ceases to have his or her debilitating

1 medical condition, within 10 days of such change.

2 (2) A registered qualifying patient who fails to notify
3 the Department of any of these changes is responsible for a
4 civil infraction, punishable by a fine of no more than
5 \$150. If the registered qualifying patient's certifying
6 practitioner notifies the Department in writing that the
7 registered qualifying patient has ceased to suffer from a
8 debilitating medical condition, the card shall become null
9 and void upon notification by the Department to the
10 qualifying patient.

11 (3) A registered primary caregiver shall notify the
12 Department of any change in his or her name or address
13 within 10 days of such change. A registered primary
14 caregiver who fails to notify the Department of any of
15 these changes is responsible for a civil infraction,
16 punishable by a fine of no more than \$150.

17 (4) When a registered qualifying patient or registered
18 primary caregiver notifies the Department of any changes
19 listed in this subsection, the Department shall issue the
20 registered qualifying patient and each registered primary
21 caregiver a new registry identification card within 10 days
22 of receiving the updated information and a \$10 fee.

23 (5) When a registered qualifying patient changes his or
24 her registered primary caregiver, the Department shall
25 notify the primary caregiver within 10 days. The registered
26 primary caregiver's protections as provided in this Act

1 shall expire 10 days after notification by the Department.

2 (6) If a registered qualifying patient or registered
3 primary caregiver loses his or her registry identification
4 card, he or she shall notify the Department and submit a
5 \$10 fee within 10 days of losing the card. Within 5 days
6 after such notification, the Department shall issue a new
7 registry identification card with a new random
8 identification number.

9 (g) Possession of, or application for, a registry
10 identification card shall not constitute probable cause or
11 reasonable suspicion, nor shall it be used to support the
12 search of the person or property of the person possessing or
13 applying for the registry identification card.

14 (h) The following confidentiality rules shall apply:

15 (1) Applications and supporting information submitted
16 by qualifying patients, including information regarding
17 their primary caregivers and practitioners, are
18 confidential.

19 (2) The Department shall maintain a confidential list
20 of the persons to whom the Department has issued registry
21 identification cards. Individual names and other
22 identifying information on the list shall be confidential,
23 exempt from the Freedom of Information Act, and not subject
24 to disclosure, except to authorized employees of the
25 Department as necessary to perform official duties of the
26 Department.

1 (3) The Department shall verify to law enforcement
2 personnel whether a registry identification card is valid,
3 without disclosing more information than is reasonably
4 necessary to verify the authenticity of the registry
5 identification card.

6 (4) It is a Class B misdemeanor for any person,
7 including an employee or official of the Department or
8 another state agency or local government, to breach the
9 confidentiality of information obtained pursuant to this
10 Act. Notwithstanding this provision, Department employees
11 may notify law enforcement about falsified or fraudulent
12 information submitted to the Department, so long as the
13 employee who suspects that falsified or fraudulent
14 information has been submitted confers with his or her
15 supervisor (or at least one other employee of the
16 Department) and both agree that circumstances exist that
17 warrant reporting.

18 (i) The Department shall submit to the General Assembly an
19 annual report that does not disclose any identifying
20 information about qualifying patients, primary caregivers, or
21 practitioners, but does contain, at a minimum, all of the
22 following information:

23 (1) The number of applications and renewals filed for
24 registry identification cards.

25 (2) The number of qualifying patients and primary
26 caregivers approved in each county.

1 (3) The nature of the debilitating medical conditions
2 of the qualifying patients.

3 (4) The number of registry identification cards
4 revoked.

5 (5) The number of practitioners providing written
6 certifications for qualifying patients.

7 (j) Where a state-funded or locally funded law enforcement
8 agency encounters an individual who, during the course of the
9 investigation, credibly asserts that he or she is a registered
10 qualifying patient or registered primary caregiver, the law
11 enforcement agency shall not provide any information from any
12 marijuana-related investigation of the person to any law
13 enforcement authority that does not recognize the protection of
14 this Act and any prosecution of the individual for a violation
15 of this Act shall be conducted pursuant to the laws of this
16 State.

17 Section 30. Scope of Act.

18 (a) This Act shall not permit any person to do any of the
19 following:

20 (1) Undertake any task under the influence of
21 marijuana, when doing so would constitute negligence or
22 professional malpractice.

23 (2) Possess marijuana, or otherwise engage in the
24 medical use of marijuana:

25 (A) in a school bus;

1 (B) on the grounds of any preschool or primary or
2 secondary school; or

3 (C) in any correctional facility.

4 (3) Smoke marijuana:

5 (A) on any form of public transportation; or

6 (B) in any public place.

7 (4) Operate, navigate, or be in actual physical control
8 of any motor vehicle, aircraft, or motorboat while under
9 the influence of marijuana. However, a registered
10 qualifying patient shall not be considered to be under the
11 influence of marijuana solely because of the presence of
12 metabolites or components of marijuana that appear in
13 insufficient concentration to cause impairment.

14 (b) Nothing in this Act shall be construed to require:

15 (1) A government medical assistance program or private
16 health insurer to reimburse a person for costs associated
17 with the medical use of marijuana; or

18 (2) An employer to accommodate the ingestion of
19 marijuana in any workplace or any employee working while
20 under the influence of marijuana, provided that a
21 qualifying patient shall not be considered to be under the
22 influence of marijuana solely because of the presence of
23 metabolites or components of marijuana that appear in
24 insufficient concentration to cause impairment.

25 (c) Fraudulent representation to a law enforcement
26 official of any fact or circumstance relating to the medical

1 use of marijuana to avoid arrest or prosecution is a petty
2 offense punishable by a fine of \$500, which shall be in
3 addition to any other penalties that may apply for making a
4 false statement or for the use of marijuana other than use
5 undertaken pursuant to this Act.

6 Section 35. Affirmative defense and dismissal for medical
7 marijuana.

8 (a) Except as provided in Section 30, a patient and a
9 patient's primary caregiver, if any, may assert the medical
10 purpose for using marijuana as a defense to any prosecution
11 involving marijuana, and this defense shall be presumed valid
12 where the evidence shows that:

13 (1) A practitioner has stated that, in the
14 practitioner's professional opinion, after having
15 completed a full assessment of the patient's medical
16 history and current medical condition made in the course of
17 a bona fide practitioner-patient relationship, the patient
18 is likely to receive therapeutic or palliative benefit from
19 the medical use of marijuana to treat or alleviate the
20 patient's serious or debilitating medical condition or
21 symptoms associated with the patient's serious or
22 debilitating medical condition; and

23 (2) The patient and the patient's primary caregiver, if
24 any, were collectively in possession of a quantity of
25 marijuana that was not more than was reasonably necessary

1 to ensure the uninterrupted availability of marijuana for
2 the purpose of treating or alleviating the patient's
3 serious or debilitating medical condition or symptoms
4 associated with the patient's serious or debilitating
5 medical condition; and

6 (3) The patient and the patient's primary caregiver, if
7 any, were engaged in the acquisition, possession,
8 cultivation, manufacture, use, delivery, transfer, or
9 transportation of marijuana or paraphernalia relating to
10 the administration of marijuana to treat or alleviate the
11 patient's serious or debilitating medical condition or
12 symptoms associated with the patient's serious or
13 debilitating medical condition.

14 (b) A person may assert the medical purpose for using
15 marijuana in a motion to dismiss, and the charges shall be
16 dismissed following an evidentiary hearing where the person
17 shows the elements listed in subsection (a).

18 (c) If a patient or a patient's primary caregiver
19 demonstrates the patient's medical purpose for using marijuana
20 pursuant to this Section, the patient and the patient's primary
21 caregiver shall not be subject to the following for the
22 patient's use of marijuana for medical purposes:

23 (1) disciplinary action by a business or occupational
24 or professional licensing board or bureau; or

25 (2) forfeiture of any interest in or right to property.

1 Section 40. Enforcement of this Act.

2 (a) If the Department fails to adopt rules to implement
3 this Act within 120 days of the effective date of this Act, a
4 qualifying patient may commence an action in the Circuit Court
5 to compel the Department to perform the actions mandated
6 pursuant to the provisions of this Act.

7 (b) If the Department fails to issue a valid registry
8 identification card in response to a valid application or
9 renewal submitted pursuant to this Act within 20 days of its
10 submission, the registry identification card shall be deemed
11 granted, and a copy of the registry identification application
12 or renewal shall be deemed a valid registry identification
13 card.

14 (c) If at any time after the 140 days following the
15 effective date of this Act the Department is not accepting
16 applications, including if it has not created rules allowing
17 qualifying patients to submit applications, a notarized
18 statement by a qualifying patient containing the information
19 required in an application, pursuant to clauses (a)(2) through
20 (a)(5) of Section 25 together with a written certification
21 shall be deemed a valid registry identification card.

22

23 Section 45. Medical marijuana organization.

24 (a) Definition. For purposes of this Section, "medical
25 marijuana organization" means an entity registered under this

1 Section that acquires, possesses, cultivates, manufactures,
2 delivers, transfers, transports, supplies, or dispenses
3 marijuana, or related supplies and educational materials, to
4 registered qualifying patients and their registered primary
5 caregivers. A medical marijuana organization is a primary
6 caregiver. All provisions of this Act pertaining to a primary
7 caregiver shall apply to a medical marijuana organization
8 unless they conflict with a provision contained in this
9 Section. A medical marijuana organization shall supply
10 marijuana to any number of registered qualifying patients who
11 have designated it as one of their primary caregivers.

12 (b) Registration requirements.

13 (1) The Department shall register a medical marijuana
14 organization and issue a registration certificate within
15 20 days to any person or entity that provides:

16 (A) A fee paid to the Department in the amount of
17 \$5,000;

18 (B) The legal name of the medical marijuana
19 organization;

20 (C) The physical address of the medical marijuana
21 organization and the physical address of one
22 additional location, if any, where marijuana will be
23 cultivated;

24 (D) The name, address, and date of birth of each
25 principal officer and board member of the medical
26 marijuana organization;

1 (E) The name, address, and date of birth of any
2 person who is an agent of or employed by the medical
3 marijuana organization.

4 (2) The Department shall track the number of registered
5 qualifying patients who designate each medical marijuana
6 organization as a primary caregiver, and issue a written
7 statement to the medical marijuana organization of the
8 number of qualifying patients who have designated the
9 medical marijuana organization to serve as a primary
10 caregiver for them. This statement shall be updated each
11 time a new registered qualifying patient designates the
12 medical marijuana organization or ceases to designate the
13 medical marijuana organization and may be transmitted
14 electronically if the Department's rules so provide. The
15 Department may provide by rule that the updated written
16 statements will not be issued more frequently than twice
17 each week.

18 (3) The Department shall issue each principal officer,
19 board member, agent, and employee of a medical marijuana
20 organization a registry identification card within 10 days
21 of receipt of the person's name, address, date of birth,
22 and a fee in an amount established by the Department. Each
23 card shall specify that the cardholder is a principal
24 officer, board member, agent, or employee of a medical
25 marijuana organization and shall contain the following:

26 (A) The name, address, and date of birth of the

1 principal officer, board member, agent or employee;

2 (B) The legal name of the medical marijuana
3 organization to which the principal officer, board
4 member, agent, or employee is affiliated;

5 (C) A random identification number that is unique
6 to the cardholder;

7 (D) The date of issuance and expiration date of the
8 registry identification card; and

9 (E) A photograph, if the Department decides to
10 require one.

11 (4) The Department shall not issue a registry
12 identification card to any principal officer, board
13 member, agent, or employee of a medical marijuana
14 organization who has been convicted of a felony drug
15 offense. The Department may conduct a background check of
16 each principal officer, board member, agent, or employee in
17 order to carry out this provision. The Department shall
18 notify the medical marijuana organization in writing of the
19 purpose for denying the registry identification card.
20 However, the Department shall grant such person a registry
21 identification card if the Department determines that the
22 person's conviction was for the medical use of marijuana or
23 assisting with the medical use of marijuana.

24 (c) Authority of the Department. Not later than 120 days
25 after the effective date of this Act, the Department shall
26 promulgate rules governing the manner in which it shall

1 consider applications for and renewals of registration
2 certificates for medical marijuana organizations, including
3 rules governing:

4 (1) The form and content of registration and renewal
5 applications;

6 (2) Minimum oversight requirements for medical
7 marijuana organizations;

8 (3) Minimum record-keeping requirements for medical
9 marijuana organizations;

10 (4) Minimum security requirements for medical
11 marijuana organizations; and

12 (5) Procedures for suspending or terminating the
13 registration of medical marijuana organizations that
14 violate the provisions of this Section or the rules
15 promulgated pursuant to this subsection.

16 (d) Expiration. A medical marijuana organization
17 registration certificate and the registry identification card
18 for each principal officer, board member, agent, or employee
19 shall expire one year after the date of issuance. The
20 Department shall issue a renewal medical marijuana
21 organization registration certificate and renewal registry
22 identification cards within 10 days to any person who complies
23 with the requirements contained in subsection (b) of this
24 Section.

25 (e) Inspection. Medical marijuana organizations are
26 subject to reasonable inspection by the Department.

1 (f) Medical marijuana organization requirements.

2 (1) A medical marijuana organization may not be located
3 within 500 feet of the property line of a preexisting
4 public or private school.

5 (2) A medical marijuana organization shall notify the
6 Department within 10 days of when a principal officer,
7 board member, agent, or employee ceases to work at the
8 medical marijuana organization.

9 (3) A medical marijuana organization shall notify the
10 Department in writing of the name, address, and date of
11 birth of any new principal officer, board member, agent, or
12 employee and shall submit a fee in an amount established by
13 the Department for a new registry identification card
14 before a new agent or employee begins working at the
15 medical marijuana organization.

16 (4) A medical marijuana organization shall implement
17 appropriate security measures to deter and prevent
18 unauthorized entrance into areas containing marijuana and
19 the theft of marijuana.

20 (5) The operating documents of a medical marijuana
21 organization shall include procedures for the oversight of
22 the medical marijuana organization and procedures to
23 ensure accurate record keeping.

24 (6) A medical marijuana organization is prohibited
25 from acquiring, possessing, cultivating, manufacturing,
26 delivering, transferring, transporting, supplying, or

1 dispensing marijuana for any purpose except to assist
2 registered qualifying patients with the medical use of
3 marijuana directly or through the qualifying patients'
4 other primary caregiver.

5 (7) All principal officers and board members of a
6 medical marijuana organization must be residents of the
7 State of Illinois.

8 (g) Immunity.

9 (1) No registered medical marijuana organization shall
10 be subject to prosecution, search, seizure, or penalty in
11 any manner or denied any right or privilege, including but
12 not limited to, civil penalty or disciplinary action by a
13 business, occupational, or professional licensing board or
14 entity, solely for acting in accordance with this Section
15 to assist registered qualifying patients to whom it is
16 connected through the Department's registration process
17 with the medical use of marijuana.

18 (2) No principal officers, board members, agents, or
19 employees of a registered medical marijuana organization
20 shall be subject to arrest, prosecution, search, seizure,
21 or penalty in any manner or denied any right or privilege,
22 including but not limited to civil penalty or disciplinary
23 action by a business, occupational, or professional
24 licensing board or entity, solely for working for or with a
25 medical marijuana organization in accordance with this
26 Act.

1 (h) Prohibitions.

2 (1) A medical marijuana organization may not possess an
3 amount of marijuana that exceeds the total of the allowable
4 amounts of marijuana for the registered qualifying
5 patients for whom the medical marijuana organization is a
6 registered primary caregiver.

7 (2) A medical marijuana organization may not dispense,
8 deliver, or otherwise transfer marijuana to a person other
9 than a qualifying patient who has designated the medical
10 marijuana organization as a primary caregiver or to such
11 patient's primary caregiver.

12 (3) A medical marijuana organization may not obtain
13 marijuana from outside the State of Illinois.

14 (4) A person convicted of violating paragraph (2) of
15 this subsection may not be an employee, agent, principal
16 officer, or board member of any medical marijuana
17 organization, and such person's registry identification
18 card shall be immediately revoked.

19 (5) No person who has been convicted of a felony drug
20 offense may be the principal officer, board member, agent,
21 or employee of a medical marijuana organization unless the
22 Department has determined that the person's conviction was
23 for the medical use of marijuana or assisting with the
24 medical use of marijuana and issued the person a registry
25 identification card as provided under subsection (b) (3). A
26 person who is employed by or is an agent, principal

1 officer, or board member of a medical marijuana
2 organization in violation of this Section is guilty of a
3 civil violation punishable by a fine of up to \$1,000. A
4 subsequent violation of this Section is a Class B
5 misdemeanor.

6 Section 50. Repeal of Act. This Act is repealed 3 years
7 after its effective date.

8 Section 95. The Cannabis Control Act is amended by changing
9 Section 8 as follows:

10 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

11 Sec. 8. (1) It is unlawful for any person knowingly to
12 produce the cannabis sativa plant or to possess such plants or
13 to deliver such plants unless production or possession has been
14 authorized pursuant to the provisions of the Compassionate Use
15 of Medical Marijuana Pilot Program Act ~~Section 11 of the Act.~~
16 Any person who violates this Section with respect to production
17 or possession of:

18 (a) Not more than 5 plants is guilty of a Class A
19 misdemeanor, except that a violation under paragraph (2) of
20 this Section is a Class 4 felony.

21 (b) More than 5, but not more than 20 plants, is guilty of
22 a Class 4 felony, except that a violation under paragraph (2)
23 of this Section is a Class 3 felony.

1 (c) More than 20, but not more than 50 plants, is guilty of
2 a Class 3 felony.

3 (d) More than 50, but not more than 200 plants, is guilty
4 of a Class 2 felony, except that a violation under paragraph
5 (2) of this Section is a Class 1 felony, for which a fine not to
6 exceed \$100,000 may be imposed and for which liability for the
7 cost of conducting the investigation and eradicating such
8 plants may be assessed. Compensation for expenses incurred in
9 the enforcement of this provision shall be transmitted to and
10 deposited in the treasurer's office at the level of government
11 represented by the Illinois law enforcement agency whose
12 officers or employees conducted the investigation or caused the
13 arrest or arrests leading to the prosecution, to be
14 subsequently made available to that law enforcement agency as
15 expendable receipts for use in the enforcement of laws
16 regulating controlled substances and cannabis. If such seizure
17 was made by a combination of law enforcement personnel
18 representing different levels of government, the court levying
19 the assessment shall determine the allocation of such
20 assessment. The proceeds of assessment awarded to the State
21 treasury shall be deposited in a special fund known as the Drug
22 Traffic Prevention Fund.

23 (e) More than 200 plants is guilty of a Class 1 felony,
24 except that a violation under paragraph (2) of this Section is
25 a Class X felony, for which a fine not to exceed \$100,000 may
26 be imposed and for which liability for the cost of conducting

1 the investigation and eradicating such plants may be assessed.
2 Compensation for expenses incurred in the enforcement of this
3 provision shall be transmitted to and deposited in the
4 treasurer's office at the level of government represented by
5 the Illinois law enforcement agency whose officers or employees
6 conducted the investigation or caused the arrest or arrests
7 leading to the prosecution, to be subsequently made available
8 to that law enforcement agency as expendable receipts for use
9 in the enforcement of laws regulating controlled substances and
10 cannabis. If such seizure was made by a combination of law
11 enforcement personnel representing different levels of
12 government, the court levying the assessment shall determine
13 the allocation of such assessment. The proceeds of assessment
14 awarded to the State treasury shall be deposited in a special
15 fund known as the Drug Traffic Prevention Fund.

16 (2) Any person authorized pursuant to the provisions of the
17 Compassionate Use of Medical Marijuana Pilot Program Act to
18 produce or possess the cannabis sativa plant, who knowingly
19 produces the cannabis sativa plant or possesses such plants or
20 delivers such plants except as provided for in the
21 Compassionate Use of Medical Marijuana Pilot Program Act, is
22 guilty of violating this Section. Any violation of this
23 paragraph (2) shall be punished according to the number of
24 plants involved in the violation as provided in paragraph (1)
25 of this Section.

26 (Source: P.A. 95-247, eff. 1-1-08.)

1 (720 ILCS 550/11 rep.)

2 (720 ILCS 550/15 rep.)

3 Section 96. The Cannabis Control Act is amended by
4 repealing Sections 11 and 15.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."